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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MINA DE ORO, LLC, a Nevada limited liability company; THE TOY CHEST, LLC a Nevada limited liability company,

Plaintiffs,

v.

MATTHEW BRENT GOETTSCHE, an individual, JOBEDIAH SINCLAIR WEEKS, an individual, JOSEPH FRANK ABEL, an individual, SILVIU CATALIN BALACI, an individual, BITCLUB, an unknown entity, and DOE and ROE Corporations,

Defendants.

Case No: 2:20-cv-00994

**APPLICATION FOR DEFAULT
JUDGMENT AGAINST DEFENDANT
JOSEPH FRANK ABEL**

Plaintiffs, MINA DE ORO, LLC, and THE TOY CHEST, LLC, (hereinafter "Plaintiff"), by and through their counsel, the KERR SIMPSON ATTORNEYS AT LAW, hereby apply to this Court for Default Judgment Against Defendant JOSEPH FRANK ABEL, (hereafter "Abel") in this case.

This Application is made pursuant to FRCP 55 on the grounds that a Default has been entered against said Defendant for failure to answer or otherwise defend against the allegations in the Complaint filed by the Plaintiff, and that said Defendant is not in the military service of the

1 United States nor an infant or incompetent person. **Declaration of P. Sterling Kerr, Esq., Ex.**
2 **“1”.**

3 In support of this Application, Plaintiff relies on the Declaration of Counsel attached
4 hereto, and all records, papers, files and pleadings on file herein.

5 Dated this 18th day of November, 2022.

7 KERR SIMPSON ATTORNEYS AT LAW

8 /s/ P. Sterling Kerr

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19 *Attorneys for Plaintiff*

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 Through this Default Judgment Application, Plaintiffs ask this Court to award damages to
22 Plaintiffs for Breach of Contract, Violation of 17 CFR 240.10B-5, Violations of NRS 90.570 et.
23 Seq., Fraud and Fraudulent Inducement and Unjust Enrichment in the amount of \$500,000.00.

24 Defendant Joseph Frank Abel was served October 13, 2020. **Dkt. 13.** Default was entered
25 against him on February 15, 2021. Mr. Abel has made no appearance in this case. Based on the
26 foregoing, Plaintiffs seek a default judgment against Mr. Abel in the amount of \$500,000. This
27 amount represents the amount paid by Plaintiff to Defendants as a result of Mr. Abel's fraud and
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breach of contract as set forth in Plaintiffs' Complaint **Dkt. 1 at p.2-12.**

DATED: November 18, 2022.

KERR SIMPSON ATTORNEYS AT LAW

/s/ P. Sterling Kerr

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